

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH - CENTRAL DIVISION

FILED
U.S. DISTRICT COURT
2008 FEB -4 P 3:56

JOHN S. KARLS,

Plaintiff,

v.

PRUDENTIAL REAL ESTATE
AFFILIATES, INC.; PRUDENTIAL UTAH
REAL ESTATE I; DAN COLFACK;
BRUCE R. TUCKER; ALAN JONES aka
KENNETH ALAN JONES; MELANIE
JONES; UNION TITLE INSURANCE
AGENCY, L.L.C.; and DANIEL J.
MCDONALD,

Defendants.

DISTRICT OF UTAH

BY:

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Case No. 2:07-CV-325

District Judge Dee Benson

Magistrate Judge Paul M. Warner

On January 10, 2008, Magistrate Judge Paul M. Warner issued a Report and Recommendation recommending the following: (1) that Defendants' motion to dismiss the Complaint be rendered moot; (2) that Defendants' motion to dismiss the Amended Complaint pursuant to rule 12(b)(1) of the Federal Rules of Civil Procedure be denied; (3) that Defendants' motion to dismiss the Amended Complaint pursuant to rule 12(b)(6) of the Federal Rules of Civil Procedure be granted; and (4) Plaintiff's motion for leave to amend the Amended Complaint be denied. The parties were notified by mail of their right to file objections to the Report and Recommendation, pursuant to 28 U.S.C. § 636(b), within ten (10) days after receiving it. The parties were further instructed that failure to file objections may constitute a waiver of those objections on subsequent appellate review. Neither party filed an objection to the Report and Recommendation.

Having reviewed all relevant materials, including the reasoning set forth in Magistrate Judge Warner's Report and Recommendation, the Court ADOPTS the Report and Recommendation. The Court renders MOOT Defendants' motion to dismiss the Complaint, DENIES Defendants' motion to dismiss the Amended Complaint pursuant to Fed. R. Civ. P. 12(b)(1), GRANTS Defendants' motion to dismiss the Amended Complaint pursuant to Fed. R. Civ. P. 12(b)(6), and DENIES Plaintiff's motion for leave to amend the Amended Complaint. Thus, Plaintiff's case against the Defendants is dismissed with prejudice.

It is so ORDERED.

DATED this 31st day of January, 2008.

A handwritten signature in cursive script, appearing to read "Dee Benson", written over a horizontal line.

Dee Benson
United States District Judge